

CHAPTER I—DEPARTMENT OF VETERANS AFFAIRS (CONTINUED)

EDITORIAL NOTE: Nomenclature changes affecting chapter I appear at 64 FR 30244, June 7, 1999; 65 FR 1545, Jan. 11, 2000; 66 FR 44053, Aug. 22, 2001; 66 FR 66767, Dec. 27, 2001; 67 FR 16023, Apr. 4, 2002; and 69 FR 18803, Apr. 9, 2004.

<i>Part</i>		<i>Page</i>
18	Nondiscrimination in federally-assisted programs of the Department of Veterans Affairs—effectuation of Title VI of the Civil Rights Act of 1964	5
18a	Delegation of responsibility in connection with Title VI, Civil Rights Act of 1964	48
18b	Practice and procedure under Title VI of the Civil Rights Act of 1964 and Part 18 of this chapter	51
19	Board of Veterans' Appeals: Appeals regulations	62
20	Board of Veterans' Appeals: Rules of Practice	71
21	Vocational rehabilitation and education	112
23	Nondiscrimination on the basis of sex in education programs or activities receiving federal financial assistance	521
25	Uniform relocation assistance and real property acquisition for Federal and federally assisted programs	537
26	Environmental effects of the Department of Veterans Affairs (VA) actions	537
36	Loan guaranty	542
39	Aid to states for establishment, expansion, and improvement of veterans cemeteries	716
40	Intergovernmental review of Department of Veterans Affairs programs and activities	741
41	Auditing requirements	745
42	Standards implementing the Program Fraud Civil Remedies Act	752
43	Uniform administrative requirements for grants and cooperative agreements to State and local governments	768
44	Governmentwide debarment and suspension (non-procurement)	795
45	New restrictions on lobbying	818

38 CFR Ch. I (7–1–04 Edition)

<i>Part</i>		<i>Page</i>
46	Policy regarding participation in National Practitioner Data Bank	830
47	Policy regarding reporting health care professionals to State Licensing Boards	834
48	Governmentwide requirements for drug-free workplace (financial assistance)	835
51	Per diem for nursing home care of veterans in State homes	841
52	Per diem for adult day health care of veterans in State homes	865
58	Forms	888
59	Grants to states for construction or acquisition of state homes	904
60	Fisher houses and other temporary lodging	949
61	VA homeless providers grant and per diem program	951

**PART 18—NONDISCRIMINATION IN
FEDERALLY-ASSISTED PROGRAMS
OF THE DEPARTMENT OF VET-
ERANS AFFAIRS—EFFECTUATION
OF TITLE VI OF THE CIVIL RIGHTS
ACT OF 1964**

Subpart A—General

- Sec.
18.1 Purpose.
18.2 Application of this part.
18.3 Discrimination prohibited.
18.4 Assurances required.
18.6 Compliance information.
18.7 Conduct of investigations.
18.8 Procedure for effecting compliance.
18.9 Hearings.
18.10 Decisions and notices.
18.11 Judicial review.
18.12 Effect on other regulations, forms and instructions.
18.13 Definitions.

APPENDIX A TO SUBPART A—STATUTORY PROVISIONS TO WHICH THIS SUBPART APPLIES

APPENDIX B TO SUBPART A—ILLUSTRATIVE APPLICATIONS

Subparts B–C [Reserved]

**Subpart D—Nondiscrimination on the Basis
of Handicap**

GENERAL PROVISIONS

- 18.401 Purpose.
18.402 Application.
18.403 Definitions.
18.404 Discrimination prohibited.
18.405 Assurances required.
18.406 Remedial action, voluntary action and self-evaluation.
18.407 Designation of responsible employee and adoption of grievance procedures.
18.408 Notice.
18.409 Administrative requirements for certain recipients.
18.410 Effect of State or local law or other requirements and effect of employment opportunities.

EMPLOYMENT PRACTICES

- 18.411 Discrimination prohibited.
18.412 Reasonable accommodation.
18.413 Employment criteria.
18.414 Preemployment inquiries.

ACCESSIBILITY

- 18.421 Discrimination prohibited.
18.422 Existing facilities.
18.423 New construction.

**ELEMENTARY, SECONDARY, AND ADULT
EDUCATION**

- 18.431 Application.

- 18.432 Location and notification.
18.433 Free appropriate public education.
18.434 Education setting.
18.435 Evaluation and placement.
18.436 Procedural safeguards.
18.437 Nonacademic services.
18.438 Adult education.
18.439 Private education.

POSTSECONDARY EDUCATION

- 18.441 Application.
18.442 Admissions and recruitment.
18.443 General treatment of students.
18.444 Academic adjustments.
18.445 Housing.
18.446 Financial and employment assistance to students.
18.447 Nonacademic services.

HEALTH AND SOCIAL SERVICES

- 18.451 Application.
18.452 Health and other social services.
18.453 Drug and alcohol addicts.
18.454 Education of institutionalized persons.

PROCEDURES

- 18.461 Procedures.

APPENDIX A TO SUBPART D—STATUTORY PROVISIONS TO WHICH THIS PART APPLIES

**Subpart E—Nondiscrimination on the Basis
of Age**

GENERAL

- 18.501 Purpose.
18.502 Application.
18.503 Definitions.

**STANDARDS FOR DETERMINING AGE
DISCRIMINATION**

- 18.511 Rules against age discrimination.
18.512 Definitions of “normal operation” and “statutory objective.”
18.513 Exceptions to the rules against age discrimination; normal operation or statutory objective of any program or activity.
18.514 Exceptions to the rules against age discrimination; reasonable factors other than age.
18.515 Burden of proof.
18.516 Affirmative action by recipients.

**RESPONSIBILITIES OF DEPARTMENT OF
VETERANS AFFAIRS RECIPIENTS**

- 18.531 General responsibilities.
18.532 Notice of subrecipients.
18.533 Assurance of compliance and recipient assessment of age distinctions.
18.534 Information requirements.

**INVESTIGATION, CONCILIATION, AND
ENFORCEMENT PROCEDURES**

- 18.541 Compliance reviews.

§ 18.1

- 18.542 Complaints.
- 18.543 Mediation.
- 18.544 Investigation.
- 18.545 Prohibition against intimidation or retaliation.
- 18.546 Compliance procedure.
- 18.547 Hearings, decisions, post-termination proceedings.
- 18.548 Remedial action by recipient.
- 18.549 Alternate funds disbursement procedure.
- 18.550 Exhaustion of administrative remedies.

APPENDIX A TO SUBPART E—STATUTORY PROVISIONS TO WHICH THIS SUBPART APPLIES
APPENDIX B TO SUBPART E—LIST OF AGE DISTINCTIONS CONTAINED IN STATUTES AND REGULATIONS GOVERNING FEDERAL FINANCIAL ASSISTANCE OF THE DEPARTMENT OF VETERANS AFFAIRS

Subpart A—General

AUTHORITY: Sec. 602, 78 Stat. 252 (42 U.S.C. 2000d-1) and the laws referred to in Appendix A.

§ 18.1 Purpose.

The purpose of this part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (hereafter referred to as the *Act*) to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Veterans Affairs.

[29 FR 19301, Dec. 31, 1964. Designated subpart A at 45 FR 63268, Sept. 24, 1980]

§ 18.2 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Department of Veterans Affairs, including the types of Federal financial assistance listed in appendix A to this subpart. It applies to money paid, property transferred, or other Federal financial assistance extended after the effective date of this part pursuant to an application approved prior to such effective date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred, or other assistance extended before the effective date of this part, (c)

38 CFR Ch. I (7–1–04 Edition)

any assistance to any individual who is the ultimate beneficiary, or (d) any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 18.3. The fact that a type of Federal financial assistance is not listed in appendix A to this subpart shall not mean, if Title VI of the Act is otherwise applicable, that a program is not covered. Other types of Federal financial assistance under statutes now in force or hereinafter enacted may be added to appendix A to this subpart by notice published in the FEDERAL REGISTER.

[38 FR 17965, July 5, 1973. Designated subpart A at 45 FR 63268, Sept. 24, 1980, as amended at 68 FR 51369, Aug. 26, 2003]

§ 18.3 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient to which this part applies may not, directly or through contractual or other arrangements, on grounds of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether is satisfied any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or